

Naturalization

-- The legal process of acquiring citizenship --

“The Congress shall have power . . . to establish a uniform rule of naturalization.”
(U.S. Constitution, Article I, Section 8)

Naturalization Process Steps:

1. Declarations of Intention (or First Papers)
2. Petition (Second or Final Papers)
3. Certificates of Naturalization

Naturalization Laws:

1790 Act required two-year residence in US and one year in the state, be of good character, make oath to support Constitution, application filed in any common law court of record, and no declaration of intention required.

1795 Act required declaration of intention to be filed three years before admission as citizen, residence of five years in the US and one year in state where naturalized, oath of allegiance, good moral character, renunciation of any title of nobility, and foreswearing of allegiance to a reigning foreign sovereign. Act provided derivative citizenship for wives and minor children.

1798 Act increased residency requirement to fourteen years. Act repealed in 1802.

1804 Act provided citizenship to widows and children of an alien who died before filing his final papers.

1824 Act shortened residency time between filing a declaration and final papers to two years.

1855 Act provided automatic naturalization to alien female who married a US citizen. Repealed in 1922.

1862 Act provided aliens, over twenty one, who served in US Army, citizenship after one year's residency.

1868 African Americans became US citizens with passage of Fourteenth Amendment.

1872 Act provided naturalization to alien seamen who served three years on a US merchant vessel with no residency requirement.

1882 Chinese were excluded from citizenship. Act repealed in 1943.

1891 Office of Immigration was established.

1894 Aliens serving in Navy or Marine Corps could be naturalized under same conditions as Act of 1862.

1906 Before 1906 biographical data on children and spouses rarely existed in declarations and petitions because they automatically received citizenship by derivative citizenship from father and husband. After September 27, 1906 it became mandatory to include the names, age, birth date and place, marriage date and place, and names of minor children, their birth dates and places and residences.

1907 Female US citizen who married an alien lost her US citizenship and took on nationality of her husband. Act repealed in 1922, but citizenship was not restored until 1936.

1918 Alien serving in US forces during World War I could be naturalized without any residency requirement.

1921 First Immigration Act to establish quotas of immigration based on national origin.

1922 Women twenty-one years of age and over were entitled to citizenship. Residency requirement to file a declaration of intention was waived. Derivative citizenship was discontinued.

1924 Act provided "all non-citizen Indians born within the territorial limits of the United State be and they are hereby declared citizens of the United States." This included Indians living of tribal reservations.

1940 Alien Registration Act required registration and fingerprinting at a local post office within thirty days of arrival.

1952 Immigration and Nationality Act Amendment abandoned the national origins system of setting quotas on ethnic groups.

2003 Act created US Customs and Immigration Service, Department of Homeland Security

Women and Naturalization:

In the early naturalization records, women are not equally represented. Often the woman's only proof of U. S. citizenship would be the combination of the marriage certificate and her husband's naturalization record. The courts held that a husband's nationality would always determine that of the wife. After 1907, a woman who was a U. S. citizen and married an alien acquired her husband's nationality and lost her citizenship. On September 22, 1922, Congress passed the Married Women's Act or Cable Act which gave each woman a nationality of her own. Citizenship no longer was given if an alien woman married a U. S. citizen nor was it taken away if a woman married an alien national. Read the following article from the Prologue Magazine for a better understanding of women and naturalization. "Women and Naturalization, ca. 1802-1940" Prologue Magazine, Summer 1998, Vol. 30, No. 2.

<http://www.archives.gov/publications/prologue/1998/summer/women-and-naturalization-1.html>

Remember: Not all immigrants completed the process.

"Of the foreign-born persons listed on the 1890 through 1930 census, 25 percent had **not** become naturalized or filed their first papers." Naturalization Records at National Archives <http://www.archives.gov/genealogy/naturalization/naturalization.html>

Conduct a Naturalization Search to Find Ancestor's Records:

1. What was the port of entry into the United States? The immigrant may have filed the declaration of intention in a court near the port of entry. Then the petition may have been filed near where the immigrant settled, or in a court along the way to where he settled.
2. What laws apply to the time period in which your ancestor was naturalized?
3. Pre-1906 Naturalization records may be found at a local county courthouse, county or State archives, or the National Archives if the immigrant was naturalized in a Federal Court.
4. For naturalizations after 27 September 1906, request record from Immigration and Naturalization Service (INS).
5. From 1790 to 1922, wives of naturalized men automatically became citizens.
6. From 1790 to 1940, children under age of twenty-one automatically became citizens upon naturalization of their father.
7. Many old records do not give precise answers and even contain incorrect information that was given, for whatever reason, by the immigrant.

Sources to Find Naturalization Records:

1. *Guide to Naturalization Records of the United States* by Christina K. Schaefer lists where to find the records for each state and county. (GENEAL 929.1 S29)
2. Guide to Finding US Naturalization Records <http://home.att.net/~wee-monster/naturalizationrecords.html>
3. New York Naturalization Records and Indexes <http://home.att.net/~wee-monster/newyork.html>
4. Pennsylvania State Archives Naturalization Records <http://www.phmc.state.pa.us/bah/dam/naturali.htm>
5. Immigration and Naturalization Service (INS) <http://www.formdomain.com/>

Records Showing Naturalization:

1. Homestead Records: Since only citizens could apply for land, proof of citizenship had to be submitted with land application. Copy of the naturalization proceedings, including the name of the court of naturalization, were included. Homestead files can be retrieved from the National Archives and Records Administration in Washington, DC.

2. United States Federal Census Headings

1820 – 1840 Census ask how many foreigners not naturalized are living in household.

1850 – 1860 Census lists each person in household and asks where born.

1870 Census asks if the father and mother were foreign born and if eligible to vote.

1880 Census asks for birth place for each person and the birth place of father and mother.

1900 Census asks for birth place for each person, birth place of father and mother, year of immigration, number of years in the US, and if naturalized.

1910 Census asks for birth place of each person, birth place of parents, number of years in US, and if naturalized.

1920 Census asks for place of birth of each person, place of birth of parents, mother tongue, year of immigration, if person is citizen or alien, and year of naturalization. 1930 Census for place of birth for each person, birth place of father and mother, language spoken, year of immigration, naturalization, and whether they speak English or not.

3. *Passport Applications*: Date and court of naturalization is on the application for the 2.6 million passports issued between 1795 and 1929.

4. *Voter Registration*: Date and court of naturalization may be included in voter applications. In 1867, Congress passed the act calling for registration of qualified voters.

5. *Consular Records*: Consular records contain correspondence involving naturalization cases. The records might be found in foreign service posts of the US Department of State and those of foreign governments.

6. *Immigration and Naturalization Service*: The INS has over eight million citizenship-related records, such as recorded entries of immigration to US since 1892 and naturalization since 1906. After 1906, courts forwarded copies of naturalization to INS.

7. *Court Records*: Before 27 September 1906, any court of record (federal, state, county and local courts) could perform naturalizations. Names of courts that held the power to naturalize include superior, supreme, district, county, circuit, court of common pleas, admiralty, city, police, and marine. Court records are held by the National Archives and Records <http://www.archives.gov/genealogy/naturalization/>

Samples of Naturalization Records:

1. Utah Naturalization and Citizenship Records at <http://historyresearch.utah.gov/guides/natural.htm> gives historical sample copies of records for the different times periods.
2. U. S. Department of Justice, Immigration and Naturalization Services gives a current form at <http://library.thinkquest.org/J0111932/N400.htm>